

### **REMARKS/ARGUMENTS**

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 1, 14, 25, 36, 38, and 43 are amended. Thus, claims 1-46 are pending.

Claims 1-35 and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Itou (U.S. Patent No. 6,439,998) in view of Nakatani et al. (U.S. Patent No. 5,720,663) and Okita et al. (U.S. Patent No. 6,422,945); claims 36 to 37 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Itou, Nakatani, and Suzuki (U.S. Patent No. 5,592,609); and claims 38-44 and 46 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Itou, Nakatani, and Komoto (U.S. Patent No. 6,273,814). These rejections are respectfully traversed for at least the following reasons.

Claim 1 recites, *inter alia*, “one or more second storage locations for storing, for a plurality of enemies, one or more operation timing patterns indicating the timing of one or more sequential player inputs to be input in association with a corresponding enemy, the operation timing patterns having different difficulty levels of operation, the different enemies having different operation timing patterns; input pattern changing programmed logic circuitry for displaying, when the battle scene is displayed, an input pattern stored for at least one enemy appearing in said battle scene and changing the display of said input pattern on the basis of one of the one or more operation timing patterns stored for the enemy appearing in said battle scene in said one or more second storage locations and on the basis of said difficulty levels; . . . [and] changing value calculating programmed logic circuitry for calculating a changing value for changing the parameter of the enemy depending upon a degree of coincidence between the timing of the detected operation and the timing of the operation timing pattern.” This subject

matter of claim 1 is not taught or suggest by the three-way combination of Itou, Nakatani, and Okita. Thus, the three-way combination of references does not render obvious claim 1.

As Applicant has previously explained, the three-way combination at best involves a game scenario that involves the taking of turns. Even if one were to interpret the mere taking of turns as corresponding to the operation timing patterns of claim 1, however, it is clear that the taking of turns in the alleged combination does involve varying levels of difficulty. Nor is there any teaching or suggestion that different enemies have different operation timing patterns. Furthermore, there is no indication that an input pattern is actually displayed in the alleged combination. It is noted that at least page 23, lines 14-20 and the description of Fig. 7 beginning at page 24, line 13 provides clear and unambiguous support for the actual display of the input pattern. A corresponding description is absent from the cited art.

It also seems to be the case that the phrase “degree of coincidence” has been interpreted extremely broadly, e.g., so as to cover a threshold binary yes/no decision as to whether a player or enemy can attack. Applicant respectfully submits that this is an unreasonably broad interpretation of the “degree of coincidence.” Assessing “a degree of coincidence between the time of the detected operation and the timing of the operation timing pattern” requires something more than a simply yes/no threshold determination, e.g., as shown in Figs. 8(A) and 8(B). The broad interpretation apparently urged in the Final Office Action might be more reasonable if the claim language perhaps read, for example, “whether or not there is a coincidence between the time of the detected operation and the timing of the operation timing pattern” or simply “a coincidence between the time of the detected operation and the timing of the operation timing pattern” – but such language is not in the claims.

Claims 14 and 25 define over the cited art for substantially the same reasons. Similar reasoning also applies with respect to claims 36, 38, 43, and 44, which involve playing music and/or rhythm patterns with different difficulty levels for different enemies.

Reconsideration and withdrawal of all outstanding rejections are respectfully requested.

In view of the foregoing amendments and remarks/arguments, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions regarding this application, or deem that any formalities need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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